
HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF AGRICULTURE TO CONVENE A TASK FORCE
TO CLARIFY AND COORDINATE AGRICULTURAL-BASED COMMERCE
SUPPORT OF BONA-FIDE FARMING OPERATIONS ACROSS THE STATE.

1 WHEREAS, agricultural-based commercial operations are a
2 critical component to economic viability of Hawaii's farming
3 operations, being an especially important tool for small farmers
4 to directly market their products and continue farming; and
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6 WHEREAS, the Legislature intends to support our farmers'
7 ability to improve their economic feasibility, and thus continue
8 to farm, with expressly permissible uses of agricultural
9 commerce related to Hawaiian-grown products; and
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11 WHEREAS Act 113, Session Laws of Hawaii 2012, created
12 specific state authorization to agricultural-based commercial
13 operations to prevent undue restrictions on agricultural-based
14 commercial operation; and
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16 WHEREAS, agricultural-based commercial operations are
17 specifically authorized in section 205-2(15), Hawaii Revised
18 Statutes, with bona-fide farming operation provisions as
19 provided in section 165-2, intended to be implemented by the
20 Land Use Commission, which has not created any rules to give
21 effect to this law, and is by default delegating all
22 implementing regulations to the various counties, effectively
23 requiring farmers to navigate and comply with numerous planning
24 and permitting provisions of the counties; and
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26 WHEREAS, the Legislature respects the importance of "county
27 home rule" and defers to county governments to develop
28 appropriate county ordinances giving effect to our state laws
29 while balancing their communities' concerns and citizens' needs;
30 and
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1 WHEREAS, the Legislature does not intend to remove
2 regulatory authority from the counties, yet does intend to
3 clearly communicate the intent of its legislation to give effect
4 to the important purpose of supporting our farmers; and
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6 WHEREAS, small farmers continue to struggle with developing
7 agricultural-based commerce operations because of difficulties
8 navigating their various cumbersome county ordinances, which are
9 perceived as excessively burdensome and hindering economic
10 opportunities of agricultural commerce activities connected with
11 bona fide farming operations, and crippling the Legislature's
12 intent of supporting agricultural commerce with the purpose of
13 Act 113; and
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15 WHEREAS, the Department of Agriculture is most appropriate
16 to lead a mission to stimulate agricultural commerce
17 opportunities, directly supporting the sustainability of
18 agriculture in Hawaii, by assessing the current burdens on
19 agricultural commerce through the various county ordinances and
20 engaging the counties in discussion to identify opportunities to
21 decrease the procedural burdens on small farmers, and develop
22 outreach to communicate effective resources to support farmers
23 accessing agricultural; now, therefore,
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25 BE IT RESOLVED by the House of Representatives of the
26 Twenty-eighth Legislature of the State of Hawaii, Regular
27 Session of 2015, the Senate concurring, that the Department of
28 Agriculture is requested to engage the counties in a task force
29 to:
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- 31 (1) Review individual county requirements for farmers
32 wishing to engage in agricultural-based commerce
33 activities of section 205-2(15);
34
35 (2) Identify opportunities to reduce any unnecessary
36 burdens of excessive permitting requirements for
37 agricultural-based commerce activities; and
38
39 (3) Develop strategies to assist farmers in the county
40 approval process for agricultural commerce activities;
41 and
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1 BE IT FURTHER RESOLVED that the task force is requested to
2 include the following persons or their designated
3 representatives:

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- 5 (1) The Board of Agriculture, with the Chairperson of the
6 Board of Agriculture requested to serve as Chairperson
7 of the task force;
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- 9 (2) One representative each from the College of Tropical
10 Agriculture and Human Resources and the Economic
11 Research Organization of the University of Hawaii;
12
- 13 (3) One representative each from the Planning Departments
14 of the Counties of Hawaii, Maui, and Kauai and the
15 Department of Planning and Permitting of the City and
16 County of Honolulu;
17
- 18 (4) One representative each from the Offices of Economic
19 Development of the City and County of Honolulu, County
20 of Maui, and County of Kauai, and the Department of
21 Research and Development of the County of Hawaii;
22
- 23 (5) One representative from the Hawaii Farmer's Union;
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- 25 (6) One representative from the Hawaii Farm Bureau
26 Federation; and
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- 28 (7) One small farmer representative from each island,
29 appointed by the Board of Agriculture.
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31 BE IT FURTHER RESOLVED that the task force is requested to
32 submit its findings and recommendations, including any proposed
33 legislation, in a report to the Governor and the Legislature
34 twenty days prior to the convening of the Regular Session of
35 2016; and
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37 BE IT FURTHER RESOLVED that certified copies of this
38 Concurrent Resolution be transmitted to the Chairperson of the
39 Board of Agriculture; the Dean of the College of Tropical
40 Agriculture and Human Resources and the Project Manager of the
41 Economic Research Organization of the University of Hawaii; the
42 Directors of Planning of the Counties of Hawaii, Maui, and



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1 Kauai; the Director of Planning and Permitting of the City and
2 County of Honolulu; the Director of Economic Development of the
3 City and County of Honolulu; The Coordinator of Economic
4 Development of the County of Maui; the Director of Development
5 of the County of Kauai; the Director of Research and Development
6 of the County of Hawaii; the Executive Director of the Hawaii
7 Farmer's Union; and the Executive Director of the Hawaii Farm
8 Bureau Federation.

OFFERED BY:

Janet M. Matute

John W. Chay

[Signature]

MAR 13 2015

